

Small-Biz@EPA

Small Business Ombudsman Bulletin

News for the Small Business Community



Welcome & Introduction

Welcome to the new SmallBiz@EPA Bulletin. This quarterly web publication replaces the SBO Update and highlights recent Agency activities and State Small Business Environmental Assistance Program (SBEAPs) initiatives. We hope you enjoy the articles and stay tuned.

Do You Have News for the SmallBiz@EPA Bulletin?

Want to reach the small business community? Send a brief synopsis of your success stories, technical and regulatory updates, and other news to Paula Zampieri at (zampieri.paula@epa.gov). Include your Web site link. Submissions must be received by the third Tuesday of March, June, September and December to be included in our next publication.

The ASBO Team

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Contact Lists

Need to find the right person to contact for a comment or question within your state, region or program?

Go to the ASBO's EPA Small Business Contacts and Projects list at www.smallbiz-enviroweb.org/contacts.aspx

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For More Information on Small Business Environmental Compliance:
www.smallbiz-enviroweb.org

Hotline: 1-800-368-5888

Events

SBO/SBEAP National Conference

The 2009 Small Business Ombudsman/Small Business Environmental Assistance Program National Conference will be held on June 1-5, 2009 in Louisville, Kentucky, at The Brown Hotel. This annual conference is a great opportunity to share information to help small businesses with their environmental compliance, energy, and pollution prevention issues.

For more information and to register for the conference go to www.sbeapconference.com

Reaching the Small Business Community

The Small Business Environmental Home Page

“Helping small businesses and assistance providers access environmental compliance and sustainable business information.”

The Small Business Environmental Home Page (Home Page), funded by EPA’s Asbestos Small Business Ombudsman, actively supports state Small Business Ombudsmen (SBO) and state Small Business Environmental Assistance Programs (SBEAPs). The Home Page serves as a central point for sharing resources, exchanging information, and developing compliance tools.

Go to www.smallbiz-enviroweb.org or contact Audrey Graylin Zelanko, 724-452-4722

National Compliance Assistance Centers

Sector Specific Resources

EPA has sponsored partnerships with industry, academic institutions, environmental groups, and other agencies to establish National Compliance Assistance Centers for 16 industry and government sectors. These sector-specific resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply.

For a complete list of the 16 various industry sectors and compliance centers please go to www.assistancecenters.net

State Resource Locators

The Centers have developed a series of State Resource Locators providing easy access to state specific regulations and resources for a variety of topics (e.g., universal waste, stormwater, asbestos). The centers are continually developing new features to better serve their customers. Be sure to explore the new Center developments!

To access the locators, go to www.envcap.org/statetools. For more information contact Tracy Back, 202-564-7076 or back.tracy@epa.gov

COMPASS –Compliance Assistance Newsletter

The COMPASS is EPA’s Office of Compliance’s newsletter for compliance assistance providers and the regulated community. This newsletter is published a few times each year and each edition focuses on a specific compliance assistance theme or topic of interest. The newsletter also has a “Hot News” section to highlight important information such as new policies, guidance,

tools, events or reports related to EPA's Compliance Assistance Program, both nationally and in each of our regional offices. This and past editions of the newsletter are available at: <http://epa.gov/compliance/resources/newsletters/assistance/index.html>.

For more information contact Catherine Tunis, 202-564-0476 or tunis.catherine@epa.gov

Get Compliance Assistance News Delivered to Your Computer

EPA's Office of Compliance (OC) has established an e-mail list that will provide compliance-related information to environmental professionals, members of the regulated community, and others. OC's Compliance Assistance and Sector Programs Division sends a Quarterly Compliance Assistance News Briefs with information on new CA tools, significant rule changes, workshops around the country, web casts, and other news, all with links to more information. To subscribe to the list yourself, go to <https://lists.epa.gov/read/>, click on "show more," look for "ocorelink Office of Enforcement and Compliance Assurance information," click on "subscribe," and enter your information.

For more information contact Catherine Tunis, 202-564-0476 or tunis.catherine@epa.gov

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY Small Business and Local Government Assistance Section Fiscal Year 2008 Summary

The Texas Commission on Environmental Quality (TCEQ) offers assistance through its Small Business and Local Government Assistance (SBLGA) program to help small businesses and local governments comply with

environmental rules. The program is designed to give confidential technical assistance on air, water, waste, and pollution prevention issues without the threat of enforcement. In fiscal year 2008, the SBLGA assisted more than 7,950 customers via the hotline, on-site, e-mail or walk-in, created or updated 28 publications, presented compliance material to over 4,600 customers at 82 outreach events, and sent over 16,800 rule updates and regulatory announcements to customers via the GovDelivery e-mail system.

For more information on the various programs and special projects in Texas click [TCEQ.pdf](#), go to www.sblga.info or call 1- 800-447-2827.

Technical Updates

ECOS Launches Toxic Release Inventory (TRI) Web site

Under a recent five-year cooperative agreement, ECOS and the U.S. Environmental Protection Agency have developed a new public collaborative forum at www.ChemicalRight2Know.org. Users of TRI data will be able to vet their analyses, share success stories and best practices, and collaborate on solving community chemical-related problems.

The main mission of the collaborative forum is to provide one-stop access for those in and out of government seeking non-federal information on TRI and other environmental data, analyses, and trends.

For more information contact: Kelley Ann Lovelace, Environmental Council of the States (ECOS) 202-624-3661 or klovelace@sso.org

EPA Makes 2006 Inventory Update Rule Public Database Available

On December 30, 2008, EPA's Office of Pollution Prevention and Toxics (OPPT) posted the 2006 Inventory Update Rule (IUR) Public Database, available at www.epa.gov/iur. During the 2006 IUR submission period, companies provided manufacturing, processing, and use information for certain chemical substances listed on the Toxic Substances Control Act (TSCA) Chemical Substance Inventory. The updated IUR Web site includes the 2006 Inventory Update Reporting Data Summary and the 2006 IUR Public Database.

For more information contact Susan Sharkey (sharkey.susan@epa.gov) or Chenise Farquharson (farquharson.chenise@epa.gov).

Minnesota Small Business Environmental Assistance Program Publication

Minnesota SBEAP has created/updated several publications, including:

- Low Impact Development for Businesses fact sheet www.pca.state.mn.us/publications/p-gen3-06.pdf
- Compliance Calendars: Aboveground Storage Tanks, Aggregate, Asphalt, Construction Stormwater, Dry Cleaner, and Vehicle Maintenance www.pca.state.mn.us/programs/sbap-new.html
- Electronic newsletter www.pca.state.mn.us/programs/sbeap-publications.html#newsletters
- Dry Cleaner factsheet (including new NESHAP requirements) www.pca.state.mn.us/publications/aq5-03.pdf
- Autobody NESHAP fact sheet and forms (Subpart 6H) www.pca.state.mn.us/programs/sbap-sectors.html#auto
- Air Registration Permit Self Audit Checklists www.pca.state.mn.us/programs/audit_p.html#airquality

Industrial Stormwater No Exposure Outreach Project

Staff at the Small Business Environmental Assistance Program (SBEAP) are working to get the word out about industrial stormwater regulations. SBEAP has developed a number of sector specific brochures that are being distributed to manufacturers throughout the state. SBEAP has contacted about 8200 facilities in the Transportation Equipment, Chemical & Allied Products, Commercial Equipment, Electronics, Fabricated Metal, and Printing sectors. These sectors were chosen for the outreach project because of the likelihood that many of these facilities would be eligible for an exemption from the permit known as the **No Exposure Exclusion**. Facilities that do not have pollutant-containing (significant) materials exposed to stormwater likely qualify for this exclusion. Facilities that have significant materials exposed to stormwater need to first complete a Stormwater Pollution Prevention Plan and apply for permit coverage. This plan documents significant materials that exist at a facility, and then detail methods that will be used to manage operations to prevent stormwater that flows off site from carrying pollutants into the waters of Minnesota.

The MPCA's Industrial Stormwater Program is at work drafting a new version of the Industrial Stormwater Permit that implements these rules which will likely be reissued in the next year. These stormwater rules apply to all manufacturers in Minnesota, regardless of the type of manufacturing they are involved with. They also apply to other industrial type facilities not directly involved in manufacturing. To learn more about these rules and options for compliance go to www.pca.state.mn.us/noexposure or call SBEAP.

Success Stories



Region 4 Collision Repair Campaign

In 2008, EPA promulgated a new regulation for autobody shops (www.epa.gov/collisionrepair). Small shops, unless they can prove that they qualify for an exemption, will have to invest in expensive equipment like spray booths, high-efficiency spray guns and new gun cleaning stations, not to mention specialized training for every painter.

In order to help the small business community, the Small Business Environmental Assistance Programs in Region 4, in partnership with EPA's Collision Repair Campaign, designed outreach and education programs for shop owners and staff. This group produced a DVD that would serve the dual purpose of encouraging pollution prevention through best management practices and providing information about the new rule and the resources available to those affected by it. The DVD will be available (Spanish and English versions) by the end of Spring 2009.

For more information contact Holly Wilson at 919-541-5624 or wilson.holly@epa.gov.



Michigan Department of Environmental Quality (MDEQ) to Begin Offering Online Learning Opportunities

For years the (MDEQ), Environmental Assistance Program (EAP) has strived to improve the environmental compliance of Michigan's businesses through the use of various outreach tools such as phone consultations, publications, workshops, and permit coordination meetings. The EAP is expanding its outreach to include online training modules. This type of training can be viewed by the user at anytime, anonymously, and at no cost via the Internet. Go to www.michigan.gov/deqworkshops and select "Online Learning."

For more information about MDEQ's On-line Learning, contact Jim Ostrowski at (517) 241-8057 or ostrowskij2@michigan.gov.

Indiana Compliance and Technical Assistance Program (ICTAP) Accomplishments

Small Business Guide

The ICTAP released its Small Business Guide to Environmental, Safety, and Health Regulations in 2008. The guide is designed to help small businesses understand and comply with regulations that apply to their operations. A CD copy of the guide was mailed to over 10,000 small businesses around the state, and over 800 hardcopies were distributed to small business

development centers, chambers of commerce, workshop participants and conference attendees.

If you have any questions on information in the guide, please call (317) 232-8172 or (800) 988-7901 or go to: www.in.gov/idem/5556.htm

Compliance Assistance in Action

ICTAP helped a company switch from small quantity generator (SQG) status to conditionally exempt small quantity generator (CESQG) status for hazardous waste. ICTAP showed the company how to measure and calculate its waste; the company realized it accumulated less than 220 pounds of hazardous waste per month and could be classified as a CESQG instead of an SQG, which significantly reduced its regulatory burden. Also, ICTAP helped the company change from a minor source operating permit to a permit-by-rule for air emissions. ICTAP helped the company measure and calculate its air emissions, which showed it emitted less than 20% of the air threshold and therefore could avoid permitting fees and cumbersome reporting requirements by changing to a permit-by-rule.

If you have any questions about this story, please contact Katie Beam at (317) 232-8578 or kbeam@idem.in.gov.

Regulatory Updates

Regulatory Agenda

The Regulatory Flexibility Act (5 U.S.C. 601) requires that agencies publish regulatory agendas identifying those rules that may have a significant economic impact on a substantial number of small entities. Agencies meet that requirement by including the information in their submissions for the Unified Agenda.

Twice a year, EPA publishes the *Semiannual Regulatory Agenda* to update the public about:

- Regulations and major policies currently under development
- Reviews of existing regulations and major policies
- Regulations and major policies completed or canceled since the previous Agenda

Fall 2008 Agenda Entries for Rules that may Require a Regulatory Flexibility Analysis

The following lists the regulatory actions for which EPA believes that the Act may require a Regulatory Flexibility Analysis because the rule is likely to have a significant economic impact on a substantial number of small businesses.

- National Primary Drinking Water Regulations: Radon
- National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues
- Combined Rulemaking for Industrial, Commercial, and Institutional Boilers, and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources
- Renewable Fuels Standard Program
- Control of Emissions From Nonroad Spark-Ignition Engines and Equipment
- Pesticides; Competency Standards for Occupational Users
- Pesticides; Agricultural Worker Protection Standard Revisions

For more information on each of these rules, go to www.epa.gov/lawsregs/documents/regagendabook-fall08.pdf, page 163.

Fall 2008 Agenda Entries for Rules that may Affect Small Businesses when a Regulatory Flexibility Analysis is not Required

The Fall 2008 Agenda lists seventy-six regulatory actions for which EPA believes may have some impact on small entities even though a Regulatory Flexibility Analysis may not be required.

For information on the seventy-six actions, go to www.epa.gov/lawsregs/documents/regagendabook-fall08.pdf, page 164.

Rules Designated for 610 Review

Section 610(a) of the Regulatory Flexibility Act (5 U.S.C. 601) requires each agency to have a plan for the periodic review of its rules that have a significant economic impact on a substantial number of small entities. Each agency must publish annually in the Federal Register a list of the rules that it plans to review in the next year.

- VOC Regulation for Architectural Coatings
- Control of Emissions of Air Pollution From Nonroad Diesel Engines
- National Primary Drinking Water Regulations: Stage 1 Disinfectant/Disinfection By-Products Rule

For more information on each of these rules, go to www.epa.gov/lawsregs/documents/regagendabook-fall08.pdf, page 163.

Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act (RFA/SBREFA)

The Small Business Regulatory Enforcement Fairness Act (SBREFA), passed in March 1996, amended the Regulatory Flexibility Act (RFA) to further the Agency's partnerships with small entities in our rulemakings. One of the important goals of the RFA/SBREFA, is to

provide small entities with an expanded opportunity to participate in the development of certain regulations. EPA is the government leader implementing RFA/SBREFA.

Under the RFA/SBREFA, EPA must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review (SBAR) Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage), unless the Agency certifies that a rule will not have a significant economic impact on a substantial number of small entities.

For a list of frequently asked RFA/SBREFA questions, go to www.epa.gov/sbrefa/faq.htm.

For EPA's "Final Guidance for EPA Rulewriters: Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act" go to www.epa.gov/sbrefa/documents/rfainalguidance06.pdf.

Small Business Advocacy Review (SBAR) Panels

The RFA/SBREFA requires EPA to convene a SBAR Panel for any proposed rule for which EPA is required to prepare an initial regulatory flexibility analysis (IRFA). A SBAR Panel is an additional means for small entities to provide input into certain EPA rulemakings to ensure that the unique concerns of small entities are carefully considered during the rulemaking process.

Each SBAR Panel consists of representatives from EPA, the Small Business Administration, and the Office of Management and Budget. Although the statutory name for the SBAR Panel refers only to small businesses, each SBAR Panel must solicit and consider the concerns of all small entities directly regulated by the rule, including small governmental jurisdictions and small nonprofit

organizations, in addition to small businesses. The Panel must report on the comments of the small entity representatives and the Panel's findings with regard to the issues related to the IRFA. The SBAR Panel Report must be included in the rulemaking record.

EPA has completed 34 SBAR Panels to date. Well over 500 small business, small community and small non-profit representatives have advised the SBAR Panels and over 300 recommendations have been made by SBAR Panels to address the particular concerns of regulated small entities. Each SBAR Panel Report has included concrete recommendations to the Administrator with positive outcomes for the Agency and regulated small entities.

For a complete list of rules developed with SBAR Panels and for SBAR Panel Reports, go to www.epa.gov/sbrefa/documents.htm#panel.

SBAR Panel Highlight **SBAR Panel Recommends Flexibilities for Small Businesses in Planned Pesticide Regulations**

EPA plans to issue two sets of proposed regulation amendments in 2010 that will affect small businesses:

- the Worker Protection Standard for Agricultural Pesticides, which includes requirements for employers on farms, forests, nurseries and greenhouses to protect their employees from pesticides, and
- the Certification of Pesticide Applicators, which regulates the certification of applicators of Restricted Use Pesticides, both in and out of agriculture.

Rather than waiting until regulatory proposals were fully developed, EPA chose to conduct a SBAR Panel early in the regulation development process. Who better to ask about the best way to craft requirements to minimize

the burden to small businesses, than the small business owners themselves? And what better time to ask for their advice, than early in the regulation development, to inform the decisions on proposed regulatory requirements before they are initially made?

EPA consulted with a set of 21 Small Entity Representatives (SERs) regarding the effects of both regulations. The representatives were selected to represent small businesses in the diverse types of industries to be affected, as well as a number of geographic areas of the nation.

The SBAR Panel met with the SERs by conference call on June 30 and September 25, 2008. The SERs provided detailed feedback on requirements under consideration and ways to reduce the effects on small businesses. After consideration of the SERs' input, the Panel provided recommendations for specific small business flexibilities. The SBAR Panel report and an analysis of the effects on small businesses will be available in the public docket when the proposed rules are published.

The SBAR Panel asked that in the proposed rule EPA solicit comment from the public specifically on the effects on small businesses, the Panel's recommendations, and any other flexibilities not considered. The federal notice-and-comment rulemaking process provides the opportunity for all small businesses and the public in general to formally comment on the proposed requirements when the proposed rule is published.

EPA encourages small businesses to send detailed comments on the rules when they are proposed. The SERs' input to the SBAR Panel will help shape the proposed regulations, and comments received from

small entities on the proposed regulations will be considered as EPA develops the final rules.

For more information contact Angela Hofmann at 202-564-0258 or hofmann.angela@epa.gov.

Small Entity Compliance Guides

When the Agency is required to prepare a regulatory flexibility analysis for a final rule, SBREFA section 212 as amended by Pub. L. Number 110-28 also requires the Agency to:

- Prepare and publish one or more documents regarding such a rule or group of rules as small entity compliance guides and specifically “entitle such publications as small entity compliance guides;”
- Explain in the compliance guide actions that a small entity must take to comply with a rule or group of rules;
- Distribute the guides to small entities through “comprehensive sources of information;”
- Post the guide in an easily identified location on the Web site of the agency and publish each guide - “on the same day as the date of publication of the final rule (or as soon as possible after that date;” and “not later than the date on which the requirements of that rule become effective;” and
- Report annually on the agency’s compliance.

For a list of final rules (for which a final regulatory flexibility analysis was prepared) with completed compliance guides, go to <http://yosemite.epa.gov/opei/Sbrefa.nsf/SECGPO?OpenView&Count=300>

Regulatory Highlights Implementation of EPA’s Lead Renovation, Repair and Painting Requirements

Common renovation activities like sanding, cutting, and demolition can create hazardous lead dust and chips by

disturbing lead-based paint, which can be harmful to adults and children.

To protect against this risk, in April, 2008, EPA issued a rule requiring the use of lead-safe practices and other actions aimed at preventing lead poisoning. Under the rule, beginning in April 2010, contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities, and schools built before 1978 must be certified and must follow specific work practices to prevent lead contamination.

The rule affects paid renovators who work in pre-1978 housing and child-occupied facilities, including:

- Renovation contractors
- Maintenance workers in multi-family housing
- Painters and other specialty trades.

To learn more about the rule go to 73 FR 21692 (April 22, 2008) at www.epa.gov/fedrgstr/EPA-TOX/2008/April/Day-22/t8141.pdf

Read about how to comply with EPA’s rule in EPA’s Small Entity Compliance Guide to Renovate Right at www.epa.gov/lead/pubs/sbcomplianceguide.pdf

For more information, please refer to EPA’s Lead Web site, at www.epa.gov/lead.

EPA Makes 2006 IUR Public Database Available

On December 30, 2008, EPA’s Office of Pollution Prevention and Toxics (OPPT) posted the 2006 Inventory Update Rule (IUR) Public Database, available at www.epa.gov/iur. During the 2006 IUR submission period, companies provided manufacturing, processing, and use information for certain chemical substances listed on the Toxic Substances Control Act (TSCA) Chemical

Substance Inventory. The updated IUR Web site includes the following:

- 2006 Inventory Update Reporting: Data Summary: This report provides an overview of the 2006 IUR data, which consists of chemical manufacturing, processing, and use information representing the 2005 calendar year.
- 2006 IUR Public Database: The Web site also contains a searchable and downloadable database of information from the 2006 IUR. Users can search non-confidential records either by chemical name or CAS Registry Number, or by company.

EPA plans to release additional summary data in the near future.

For more information contact Susan Sharkey (sharkey.susan@epa.gov) or Chenise Farquharson (farquharson.chenise@epa.gov).

EPA's Proposed Rule for Electronic Reporting Under the Toxic Substances Control Act (TSCA)

If you are a small business in the chemical industry that makes submissions to EPA under section 5 of TSCA, EPA has proposed procedures that will enable you to make your submissions electronically. EPA's Office of Pollution Prevention and Toxics (OPPT) published a proposed rule for Premanufacture and Significant New Use Notification Electronic Reporting in the Federal Register (73 FR 78261) on December 22, 2008. When finalized, the proposed rule would amend TSCA regulations by mandating use of the new electronic reporting software. You may test the new electronic reporting software ("ePMN software") by logging on to EPA's new chemicals homepage at www.epa.gov/newchems. A demonstration of how to use the software is also available on the homepage.

The new reporting mechanism would streamline and reduce the administrative costs and burdens of TSCA section 5 chemical reporting for both industry and EPA. The ePMN software and guidance materials are available free of charge from the agency at www.epa.gov/oppt/newchems or can be requested on CD. Guidance documents developed by EPA for TSCA section 8(a) Inventory Update Rule (IUR) reporting also provides useful background information on reporting via CDX and are available at www.epa.gov/oppt/iur/pubs/factsheet.pdf and www.epa.gov/oppt/iur/pubs/cdx_qanda.pdf.

For information contact Loraine Passe at 202 564-9064 or (passe.loraine@epa.gov) or Anna Coutlakis at 202 564-9207 or (coutlakis.anna@epa.gov).

Small Business Regulatory Review and Reform Initiative (r3)

The Office of Advocacy's Regulatory Review and Reform Initiative, or r3, is designed to identify and address existing federal regulations that should be revised because they are ineffective, duplicative, or out of date. r3 is a tool for small business stakeholders to suggest needed reforms. r3 includes the process under Section 610 of the Regulatory Flexibility Act for agencies to consider whether their current regulations are still needed, and the degree to which technology, economic conditions, or other factors have changed since their rules were first promulgated. r3 also includes a process by which interested stakeholders can nominate existing regulations for reform, and monitor the progress that agencies make toward achieving those reforms.

After significant review and analysis of the 38 nominations received, the Acting Chief Counsel for Advocacy selected the following nominations as the 2009 Top 10 rules for review and potential reform.*

**This list contains two new nominations for 2009 and eight nominations from 2008. In 2009, Advocacy added two nominations to the current Top 10 list, replacing two rules already reviewed or reformed by federal agencies.*

New for 2009

- **Remove the “Foreign Exemption” from Federal Contracting**
Federal Acquisition Regulation Council (FAR)
FAR should remove the “foreign exemption” from federal procurement policy, increasing federal agencies’ incentive to award government contracts to small and disadvantaged businesses seeking to work outside of the U.S.
- **Eliminate Duplicative Background Checks for Commercial Truck Drivers**
Transportation Security Administration (TSA)
TSA should eliminate the current requirement that a commercial truck driver who holds a valid TWIC must undergo a duplicative security background check when they apply for a hazardous materials endorsement.

Nominated in 2008

- **Update Air Monitoring Rules for Dry Cleaners to Reflect Current Technology**
Environmental Protection Agency (EPA)
EPA should revise outdated or inaccurate testing requirements so that modern dry cleaners can have a valid method for demonstrating compliance.
- **Flexibility for Community Drinking Water Systems**
Environmental Protection Agency
EPA should consider expanding the ways for small communities to qualify to meet alternative drinking water standards, provided that the alternative standards are protective of human health and are approved by state authorities.
- **EPA Should Clearly Define “Oil” in its Oil Spill Rules**
Environmental Protection Agency
EPA should clarify the definition of “oil” in its oil spill program, so that small facilities that store nonpetroleum-based products are not unintentionally captured by spill program requirements..

- **Eliminate Duplicative Financial Requirements for Architect-Engineering Services Firms in Government Contracting**
Federal Acquisition Regulation Council (FAR Council)
The duplicative retainage requirement should be removed or reduced in architect-engineering services contracts, as has been done for other services.
- **Simplify the Home Office Business Deduction**
Internal Revenue Service (IRS), U.S. Department of the Treasury
The IRS should revise their rules to permit a standard deduction for home-based businesses, which constitute 53 percent of all small businesses.
- **Update MSHA Rules on the Use of Explosives in Mines to Reflect Modern Industry Standards**
Mine Safety and Health Administration (MSHA), U.S. Department of Labor
MSHA should update its current rules to be consistent with modern mining industry explosives standards.
- **Update OSHA’s Medical / Laboratory Worker Rule**
Occupational Safety and Health Administration (OSHA), U.S. Department of Labor
The current rule should be reviewed to determine whether it can be made more flexible in situations where workers do not have potential exposure to bloodborne pathogens.
- **Update Reverse Auction Techniques for Online Procurement of Commercial Items**
Office of Federal Procurement Policy (OFPP), Office of Management and Budget
The current reverse auction techniques should be reviewed to determine whether a government-wide rule is necessary to create a more consistent and predictable online process.

For more information on these rules, go to www.sba.gov/advo/r3/r3_nominations09.html#10 or contact advocacy@sba.gov or 202-205-6533.

Did You Know?

Action Initiation Lists

Each month, EPA posts summaries, proposed publication dates, contacts, and other information about recently initiated rules, giving the public early notice of upcoming regulatory actions. These Action Initiation Lists augment EPA's Semiannual Regulatory Agendas, which provide the public with updates every six months. To view a list of actions initiated by month, go to www.epa.gov/lawsregs/search/ail.html.

On-Line Rule Development Brochure and Regulatory Map

The general process by which EPA creates new regulations, including commencement, options selection, and receiving public comments is outlined in an on-line brochure: www.epa.gov/lawsregs/brochure/developing.html.

A Regulatory Map is also available on the general steps of regulatory development. To view the Regulatory Map, go to www.reginfo.gov/public/reginfo/Regmap/regmap.pdf.

For more information, contact the Regulatory Management Division at 202 564-5480.

Regulations.gov

Regulations.gov is the Federal government's one stop site to comment on Federal regulations. It serves as EPA's clearinghouse for materials related to EPA rulemakings and is EPA's official on-line comment system. To browse, go to www.regulations.gov.

On regulations.gov, you can also sign up for e-mail notifications so you can be alerted when a document (e.g., a proposed rule or a meeting notice) is added to a docket. All of EPA's rules have a docket on Regulations.gov.

Federal Register

You can browse EPA's **Federal Register Environmental Documents** site to search for Federal Register (FR) publications related to environmental protection. Every

proposed environmental regulation that has been published in the FR typically contains instructions about how to submit comments to EPA. Look for a section called "ADDRESSES" in a rule's Preamble. To browse EPA's FR go to www.epa.gov/fedrgstr/index.html. Subscribe to EPA's Federal Register (FR) Listserv to receive daily e-mail alerts about new FR publications regarding any of 12 environmental topics (www.epa.gov/fedrgstr/subscribe.htm).

Asbestos and Small Business Ombudsman Hotline

The ASBO operates a toll-free hotline for the convenience of small businesses, trade associations and others seeking free, confidential help. A member of the ASBO staff will answer calls between 8:30 a.m. and 4:30 p.m. EST. The toll-free hotline number is: (800) 368-5888.

EPA Hotlines and Clearinghouse Resources

For an alphabetical list of the hotline clearinghouses, go to www.epa.gov/epahome/hotline.htm

Small Business Administration Report on the Regulatory Flexibility Act FY 2008

Advocacy saved American small businesses \$10.7 billion in foregone regulatory costs in fiscal year 2008, by helping federal agencies comply with the Regulatory Flexibility Act (RFA). To view the Report, go to www.sba.gov/advo/laws/flex/08regflx.pdf

Office of Advocacy—Frequently Asked Questions

The SBA's Office of Advocacy has developed a Frequently Asked Questions document which answers questions such as: What is a small business?, How important are small businesses to the U.S. economy?, How many new jobs do small firms create?, What is small firms' share of employment?, How many small businesses are there?; How many businesses open and close each year? ; What is the survival rate for new firms?... and more. To view the Frequently Asked Questions document, go to www.sba.gov/advo/stats/sbfaq.pdf



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Small Business and Local Government Assistance Section Fiscal Year 2008 Summary

The Texas Commission on Environmental Quality (TCEQ) offers assistance through its Small Business and Local Government Assistance (SBLGA) program to help small businesses and local governments comply with environmental rules. The program is designed to give confidential technical assistance on air, water, waste, and pollution prevention issues without the threat of enforcement. In fiscal year 2008, the SBLGA assisted more than 7,950 customers via the hotline, on-site, e-mail or walk-in, created or updated 28 publications, presented compliance material to over 4,600 customers at 82 outreach events, and sent over 16,800 rule updates and regulatory announcements to customers via the GovDelivery e-mail system.

Ongoing Programs

Compliance Commitment (C2) Program

The TCEQ's site visit program offers free, confidential, on-site, compliance assessments of facilities that are owned or operated by local governments, independently owned and operated businesses, and independent school districts. Those who successfully participate in the program receive a Compliance Commitment (C2) certificate and can earn a one-year exemption from routine investigations. In fiscal year 2008, the TCEQ conducted 335 site visits and issued 84 C2 certificates. For more information on this program, visit the Small Business and Local Government Assistance section of the TCEQ's Web site at www.sblga.info.

EnviroMentor Program

The purpose of the TCEQ's EnviroMentor program is to provide small businesses and local governments with access to professional services that they normally could not afford. These qualified professionals, with technical or legal expertise on environmental issues, volunteer to help small businesses comply with state environmental rules. In fiscal year 2008, the TCEQ matched 65 customers with an EnviroMentor. Visit the Small Business and Local Government Assistance section of the TCEQ's Web site at www.sblga.info for more information on the benefits and qualifications for participating in this program.

Special Projects

Dry Cleaner Project

The overall goal of the dry cleaner project was to increase compliance among small dry cleaning facilities with the requirements of the Dry Cleaner Remediation Program (DCRP), Maximum Achievable Control Technology (MACT) standard changes and other applicable environmental regulations through education, outreach and direct technical assistance. In fiscal year 2008, the SBLGA distributed 3,200 postcards to remind facilities to complete their annual registrations, held workshops in Houston and Dallas in order to educate attendees on compliance requirements, and prepared educational materials in order to encourage compliance with MACT standard changes. These materials included 1,300 compliance alert postcards, an article in the SBLGA's quarterly

newsletter, [The Advocate](#) (PD-006), a compliance certification form, and a frequently asked questions document. Visit www.tceq.state.tx.us/assistance/sblga/txdrycln.html for additional dry cleaning compliance resources.

Petroleum Storage Tank Project

The goal of the project was to reduce the number of Petroleum Storage Tank (PST) facilities going through the TCEQ enforcement process, by bringing the facilities into voluntary compliance through advocacy, education, and compliance assistance. In fiscal year 2008, the SBLGA conducted 5 workshops throughout the state. In addition, SBLGA conducted outreach to facilities dispensing more than 10,000 gallons of gasoline per month and located in Ellis, Johnson, Kaufman, Parker, or Rockwall County that were required to have Stage I equipment installed no later than June 15, 2007. Compliance resources for PST facilities, operating in the state of Texas, can be found on the Web at www.tceq.state.tx.us/assistance/sblga/pst.html.

Public Water Supply - Unidentified Systems Project

The goal of this project was to locate all potential unidentified public water systems in the West Texas area (Region 1, 2, 3, 7, and 8) and the Corpus Christi area (Region 14). In fiscal year 2008, 230 potential public water systems were identified and contacted in the West Texas area. Of these, 181 systems were operating under another system's authority, 32 did not meet the definition of a public water supply, 11 requested assistance and one was uncooperative. In the Corpus Christi area, 52 systems were contacted, five requested assistance, and one system was uncooperative. For rules, drought planning guidance, and other compliance tools relating to operating a PWS, visit www.tceq.state.tx.us/assistance/sblga/pws.html.

State Air Project

The goal of the state air project was to improve air quality through grant programs and compliance assistance. This was accomplished through outreach and technical assistance on the AirCheck Texas program, the State Implementation Plan (SIP) and Minor Sources of Nitrogen Oxides (NO_x), the Texas Emissions Reduction Plan (TERP), the Texas Clean School Bus Program, and the National Emission Standards for Hazardous Air Pollutants (NESHAP).

AirCheck Texas Program

AirCheck Texas focuses on repair and replacement of older vehicles, or those not passing tail pipe emission tests in ozone non-attainment areas. In fiscal year 2008, the SBLGA mailed 398 letters to the auto salvage industry, inviting them to participate in the program. Additional information regarding this program can be found at www.tceq.state.tx.us/implementation/air/mobilesource/vim/lirap.html.

State Implementation Plan (SIP) and Minor Sources of Nitrogen Oxides (NO_x)

A State Implementation Plan (SIP) is an enforceable plan that explains how the state will comply with air quality standards according to the federal Clean Air Act. Rules that are intended to reduce emissions of Nitrogen Oxides are part of the SIP. The rules apply to sources in the Dallas-Fort Worth and Houston-Galveston-Brazoria areas at sites that are considered minor sources of NO_x. In fiscal year 2008, the SBLGA developed 17 guidance documents and 3,441 compliance alert postcards to assist small businesses and

schools impacted by rule changes involving minor sources of NO_x. For more information on Texas' State Implementation Plan visit www.tceq.state.tx.us/nav/eq/sip.html.

Texas Emission Reduction Plan (TERP)

The Texas Emissions Reduction Plan (TERP) includes a number of voluntary financial incentive programs, as well as other assistance programs, to help improve the air quality by replacing or retrofitting engines in on-road and non-road heavy equipment to reduce Nitrogen Oxide Emissions (NO_x) in nonattainment and near nonattainment areas of the state. In fiscal year 2008, the SBLGA conducted 7 TERP-related outreach events and assisted 85 customers with their TERP grant applications. Additional information on TERP incentives can be found on the TCEQ's Web site at www.tceq.state.tx.us/implementation/air/terp/.

Texas Clean School Bus Program

The Texas Legislature authorized the TCEQ to launch and administer a clean school bus program to improve the health of school children and bus drivers by reducing emissions of diesel exhaust from school buses. The Texas Clean School Bus Program offers funding and resources to Texas schools for upgrades that reduce the emissions of diesel exhaust from their school-bus fleets. In fiscal year 2008, the SBLGA assisted with outreach to independent school districts (ISD) seeking particulate matter filter retrofits and replacements. For additional information on this program visit the TCEQ's Web site at www.tceq.state.tx.us/nav/pollution/school_buses.html.

National Emission Standards for Hazardous Air Pollutants (NESHAP)

On January 9, 2008, the EPA published its final rule for 40 CFR Part 63, Subpart HHHHHH National Emissions Standards for Hazardous Air Pollutants (NESHAP): Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources. In fiscal year 2008, the SBLGA provided outreach to small businesses, such as auto body refinishing, paint striping, and general surface coating facilities impacted by the new area source rules. This included mailing over 7,792 letters and participating in two outreach events. For more information, visit the Small Business and Local Government Assistance section of the TCEQ's Web site at www.sblga.info.

Storm Water Project

The goal of the SBLGA's storm water project was to increase compliance with storm water permitting requirements associated with the multi-sector general permit, the construction general permit, and the small regulated Municipal Separate Storm Sewer System (MS4) general permit. In fiscal year 2008, the SBLGA participated in 41 speaking engagements and workshops throughout the state and developed a variety of tools to assist the regulated community in attaining compliance with the storm water permit requirements. To view compliance resources for storm water visit www.tceq.state.tx.us/assistance/sblga/sw.html.

Wastewater Outreach Project

The goal of this project was to increase compliance rates among small wastewater treatment facilities with a focus on small systems discharging to impaired water bodies. In addition to increasing compliance rates, this project has also been designed to increase the number of facilities applying for permit renewals within the required timeframes. In fiscal year 2008, the SBLGA reached 451 customers by conducting seven wastewater

record-keeping and reporting workshops. The program contacted 458 facilities via telephone and postcard to notify them of their permit renewal deadline. In addition, the SBLGA also developed and/or revised a [*Due Dates and Monitoring Tip Sheet for TPDES Domestic Wastewater Permittees*](#) (RG-448) and the [*Discharge Monitoring Report \(DMR\) Address and Signatory Authority Form*](#) (TCEQ Form-20431) that are available for download from the TCEQ Web site. Additional compliance resources for wastewater treatment plants can be found at www.tceq.state.tx.us/assistance/sblga/wastewater.html.